THE HON'BLE SRI JUSTICE N.V. RAMANA

-

WRIT PETITION NO.2032 OF 2003

-

Dated: 18.08.2005

Between:

M/s Craze Today Readymade Garments, Rep. by its

Managing Partner S.F. Jamani, S/o Fida Hussain,
R/o 2-1-569/11 & 12, Vidyanagar,
Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad,

rep. by its Commissioner, Tank Bund Road, Hyderbad and another.

....RESPONDENTS

-

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

WRIT PETITION NO.2032 OF 2003

-

-

ORDER:

Challenging the action of the respondents in treating the name boards/board frames fixed by the petitioner on the parapet wall of his business place, as illuminated advertisements and covered under Sections 420 and 421 of the Hyderabad Municipal Corporation Act, 1955, the present writ petition is filed.

Though the writ petition was admitted on 04.02.2003 and interim orders were passed, no counter affidavit is filed on behalf of the respondent-Municipality so far.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Municipality.

Learned counsel for the petitioner mainly contended that the petitioner had erected the name boards/board frames on the parapet wall of his shop in which he has been running his business indicating his address, therefore, they cannot be treated as illuminated advertisements. He further contended that for erecting such boards there is no need to take or obtain any permission from the respondent-Municipality under Section 421 (1) (a) and (b) of the Hyderabad Municipal Corporation Act, 1955, therefore, the action of the respondent-Municipality in directing the petitioner to pay the advertisement fee along with Form No.1 is illegal and arbitrary.

On the other hand, learned Standing Counsel for the respondent-Municipality submits that the respondent-Municipality has not taken any action whatsoever against the petitioner herein and that the petitioner, only on apprehension that the respondent-Municipality would remove the name boards of his shop, approached this Court and filed the present writ petition. However, he further submits that in similar matters a Division Bench of this Court directed the respondent-Municipality to issue notices to the concerned shop owners and after affording an opportunity of being heard to them, shall take appropriate action in the matter, and requested to dispose of the present writ petition following the said principle.

A perusal of the writ averments clearly indicates that as on today the respondent-Municipality has not passed any orders whatsoever against the petitioner. However, the apprehension of the petitioner is that the respondent-Municipality would remove the name boards of his shop demanding to pay the advertisement fee.

Having regard to the facts and circumstances of the case, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondent-Municipality that before proceeding to remove the name boards/board frames of the petitioner's shop, it shall issue notice to the petitioner and after affording an opportunity of hearing to him shall take appropriate action in

the matter in accordance with law as expeditiously as possible. Till such time status quo existing as on today shall be maintained.

With the above direction, the writ petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date: 18.08.2005

Tvk